IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 30TH JANUARY 2007 / 10TH MAGHA 1928

WP(C).No. 12554 of 2006(T)

PETITIONER:

M/S.JOY ALUKKAS TRADERS (INDIA) PVT.LTD. MARINE DRIVE, KOCHI REPRESENTED BY ITS MANAGER (PUBLIC RELATION) AND POWER OF ATTORNEY HOLDER JACOB V.PALAYUR.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA

RESPONDENTS:

1.STATE OF KERALA REPRESENTED BY ITS SECRETARY TO GOVERNMENT, DEPARTMENT OF LOCAL SELF GOVERNMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2.ANGAMALY MUNICIPALITY REPRESENTED BY ITS SECRETARY, O/O.ANGAMALY MUNICIPALITY, ANGAMALY, ERNAKULAM DISTRICT.

3.THE CHAIRMAN, ANGAMALY MUNICIPALITY, ANGAMALY P.O., ERNAKULAM DISTRICT.

R1 BY GOVT. PLEADER MR.K.J.MOHAMMED ANSAR
R2-R3 BY ADV. SRI.V.M.KURIAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/01/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C)No.12554 of 2006

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Dated: 30th January, 2007

JUDGMENT

A perusal of Ext.P14 representation dated 11.9.2006 filed by the petitioner before the Municipality subsequent to the filing of the Writ Petition will show that the petitioner has purchased a further area of 1.53 cents on the eastern side of the building in question from one K.P.Jose, Kallookkaran House, Angamaly and others and that the entire area so purchased is being utilised for parking purpose. In view of the subsequent event of the petitioner acquiring ownership of 1.53 cents on the eastern side of the building on which the building stands constructed, I am of the view that the Municipality ought to be directed to consider the petitioner's case for regularisation under Section 406 of the Kerala Municipalities Act. Accordingly, without expressing any opinion on the merits of the case, this Writ Petition will stand disposed of with the following directions:

The 2nd respondent-Municipality will take up Ext.P14 and the materials to be produced by the petitioner to substantiate his claim that he has purchased an area of 1.53 cents adjacent to the building on eastern side and consider the petitioner's claim for regularisation under Section 406 of the Kerala Municipalities Act. It is open to the petitioner to file further representations before the Municipality within

one month if so advised and if so filed, the Municipality will consider that representation also. Decision as directed above will be taken by the Municipality at the earliest and at any rate within three months of receiving a copy of this judgment. In view of the above directions, Exts.P10, P8 and P8(a) will be kept in abeyance by the Municipality till such time as a decision is taken on Ext.P14 as directed above.

srd **PIUS C.KURIAKOSE, JUDGE**